



SCHOOL BUS, INC.

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DEPARTMENT OF EDUCATION "POINT OF CONTACT" **NOVEMBER NEWSLETTER**

Looking for Drivers?

The Department of Labor has set up a job resource center on the web—The Katrina Recovery Job Connection. Among other things, the web site is designed to assist employers who want to hire workers affected by the hurricane. The Katrina Recovery Job Connection can be found at <http://www.jobsearch.org/katrinajobs> or through America's Job Bank at www.ajb.org and click on Katrina Job.

FMCSA Publishes Interim Final Rule on S Endorsement

The Federal Motor Carrier Safety Administration published an Interim Final Rule on September 28, effective immediately, that implements provisions in the recently passed highway bill regarding the S endorsement. The rule amends the Federal Motor Carrier Safety Regulations (FMCSRs) to specify that a driver who passed knowledge and skills tests approved by the agency for a CDL school bus endorsement prior to September 30, 2002, meets the requirements of 49 CFR 383.123. FMCSA also amends the FMCSRs to provide that States have until September 30, 2006, to administer knowledge and skills tests that comply, to all school bus drivers. Finally, to conform with extension of the compliance date, the expiration date for allowing States to waive the driving skills test is extended to September 30, 2006. As a result of this interim rule, the 2-year exemptions for drivers in 11 states from the knowledge and skills testing requirement proposed in the FMCSA notice published on July 14 are no longer necessary.

This action relieves those 11 states from re-testing school bus drivers who previously passed the state's written test, and gives all other states another year to complete their testing of current drivers. Bear in mind, though, that several states have incorporated the 2005 deadline into their state statutes. In that case, the federal rule change is moot.

NHTSA Plans Lap/Shoulder Belt Assessment Tool for States

In a letter to the Chairs of the House and Senate Appropriations Committee, Administrator Jeffrey Runge of the National Highway Traffic Safety Administration explained the agency's request for funding in their 2006 budget to develop an assessment tool to determine the economic impact of installing safety belts in school buses. He reiterated NHTSA's findings that lap belts not only have little benefit in reducing injuries in school bus crashes but could actually increase the risk of injury for school bus passengers. He also noted the agency's concern that lap/shoulder belts, if not used properly, have limited potential of providing a safety benefit to the user.

Because California already requires all new school buses to be equipped with 3-point belt systems, and other states may be considering similar laws, the agency wants to compel states to look at all the potential economic and safety consequences of implementing a requirement for 3-point belt system in school buses. According to the letter, the real cost of 3-point systems not only includes the expense of the systems, but also the expense of purchasing, operating and maintaining the additional buses that will be needed to transport the same number of students as were being transported prior to installation of the belts, since the seating capacity of each bus is reduced by roughly one-sixth. In addition, NHTSA will remind states that if they choose not to replace the seating they eliminate by installing belts, they will be putting students that are no longer transported by school bus at increased risk of harm in the event of a traffic crash, due to the fact that they are using a less safe means of transportation. Using data from the Transportation Research Board's report *The Relative Risks of School Transportation*, NHTSA will emphasize that school bus transportation is the safest way for students to travel to and from school.

There is no indication when NHTSA's assessment tool might be available.

NSTA Prepares for Negotiated Rulemaking on Charter Provisions

While the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) included flexible penalties for charter and school bus violations, the bill also directed the Secretary of Transportation to undertake a negotiated rulemaking to look at other potential changes and improvements to the charter rules.

A negotiated rulemaking is a formal process, which emerged in the 1980s, as an alternative to traditional procedures for drafting proposed regulations. The idea being that in certain situations, it is possible to bring together representatives of an agency and the various interest groups to negotiate the text of a proposed rule.

In an effort to be as prepared as possible, NSTA is in the process of gathering nationwide examples of transit encroachment. To help, please send any articles or examples of transit encroachment and potential charter violations to the NSTA office.

Transporting Students with Special Needs Conference

The Transporting Students with Disabilities & Preschoolers, 15th National Conference & Exhibition, will be held in Orlando, Florida March 3-8, 2006 in Orlando. Program table at <http://www.eduprogroup.com/details> are available at <http://www.eduprogroup.com/> or by contacting Roseann Schwaderer at 703 288-4088.

Recall

Thomas Built Saf-T-Liner C2, equipped with 30" or 40" left side emergency door exits and manufactured from December 2004 through July 2005.

The telescoping slide that holds the side emergency door open is located in such a way that it will move past its normal travel and the mechanism may latch on the end of the slide, preventing the door from opening. Thomas will repair the buses free of charge. The recall is expected to begin on October 24.

The information in this newsletter is distributed for information purposes only. It does not represent legal advice.